UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,213	10/16/2000	Eric A. Voit	50107-472	8815

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EXAMINER
NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

Office Action Summary	Application No. 09/688,213	Applicant(s) VOIT ET AL.	
	Examiner Toan D. Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 January 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _1-9 and 25-28_ is/are allowed.

6)☒ Claim(s) _10-16 and 18-24_ is/are rejected.

7)☒ Claim(s) _17_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 10-15 and 18-24 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kaffine et al (US 6,654,914).

For claim 10, Kaffine et al disclose network fault isolation comprising:

a web server (figure 1, reference 90), coupled to the local services domain (figure

1, reference 26, col. 6 lines 23-25), for interactive communication with a customer

subscribing (figure 1, reference 12) to wide area domain service (figure 1, reference 22),

through the access data network (figure 1, reference 10) (col. 5 lines 19-22); and

means responsive to customer (figure 7, reference 140) selections via the

interactive communication with the web server (figure 7, reference steps 150 and 152)

(col. 1 I lines 45-52), for automatically isolating selected points of the access data

network (figure 1, reference 10) (figure 8, reference step 198, col. 12 lines 54-56; and

figure 10, reference step 264, col. 15 lines 1-4) and determining a current status of at

least one element associated with each selected point effecting the wide area domain

access service provide to the customer (figure 8, reference step 205, col. 13 lines 4-10;

and figure 10, reference step 240, col. 14 lines 4-7), and for providing results of each

status determination to the web server (figure 8, reference step 204, col. 12 line 67 to

col. 13 line 1; and figure 10, reference step 266, col. 15 lines 1-4).

For claim 11, Kaff'ine et al disclose wherein, the web server provides a report of

each determined current status through the access data network to the customer (figure

8, reference step 205, col. 13 lines 4-10; figure 10, reference step 266, col. 15 lines 1-4;

and figure 12, reference step 290, col. 15 lines 54-57).

For claim 12, Kaffme et al disclose wherein the means for determining comprises

a server (figure 2, references IDUs 94 and 96, col. 7 lines 47-50) for conducting a

throughput test regarding the wide are domain access service (figure 1, reference 22)

for the customer (figure 1, reference 12) (figure 8, col. 12 lines 21-58; figure 9 col. 13

line 24 to col. 14 line 65; and figure 11 col. 15 line 32 to col. 16 lines 67) and providing

test results to the web server (figure 1, references 90 and 92) (figure 8, reference step

204, col. 12 line 67 to col. 13 line 1; and figure 10, reference step 266, col. 15 lines 1-4).

For claim 13, Kaffine et al disclose wherein the means for determining comprises

a user device in communication with a server (figure 2, references 1DUs 94 and 96, col.

7 lines 47-50) through the access data network (figure 1, reference 10) for performing a

throughput test (figure 8, col. 12 lines 21-52), and for calculating and presenting at least

one communication rate as a result of the throughput test (figure 8, col. 13 lines 1-10).

For claim 14, Kaffine et al disclose wherein the means for determining comprises

a server (figure 2, references IDUs 94 and 96, col. 7 lines 47-50) coupled to the local

services domain for performing a test regarding the access service for the customer and

providing test results to the web server (figures 9-10, col. 13 fine 32 to col. 15 line 4).

For claim 15, Kaffme et al disclose wherein the means for determining comprises

an application (figure 7, reference 149) for obtaining status information from at least one

element of the access data network regarding the wide area domain access service

(figure 1, reference 22) for the customer (figure 1, reference 12) and providing the

status information to the web server (figure 1, references 90 and 92) (figure 8, reference

step 205, col. 13 lines 4-10; and figure 10, reference step 240, col. 14 lines 4-7).

For claim 18, Kaffine et al disclose network fault isolation comprising:

at least one machine readable medium (figure 1, references 90 and 92, col. 6

lines 25-27);

programming code, carried by the at least one machine readable medium (figure

1, references 90 and 92, col. 6 lines 25-27), for execution by at least one computer (Col.

9 line 14), wherein the programming code comprises:

a web server application (figure 7, reference 142) for implementing interactive

communication with a user subscribing (figure 7, reference 140) to services of the

access data communications network (figure 1, reference 10) desiring service

assessment and selecting network points for assessment (figure 7, reference steps 150

and 152) (col. 11 lines 45-52); and

a test application (figure 7, reference 149, col. 11 line 49-50) executable through

a network server (figure 1, reference 74, col. 5 lines 64-65) for: automatically isolating

selected points (figure 8, reference steps 52-54) of the access data network (figure 1,

reference 10) (figure 8, reference step 198, col. 12 lines 54-56; and figure 10, reference

step 264, col. 15 lines 1-4), determining a current status of at least one element

associated with each selected point effecting the wide area domain access service

provide to the customer (figure 8, reference step 205, col. 13 lines 4-10; and figure 10,

reference step 240, col. 14 lines 4-7), and providing results of the status determinations

to the web server application (figure 8, reference step 204, col. 12 line 67 to col. 13 line

1; and figure 10, reference step 266, col. 15 lines 1-4);

wherein the network server is coupled to a local service domain (figure 1,

reference 74, col. 5 lines 64-65).

For claim 19, Kaffine et al disclose wherein the web server application (figure 7,

reference 149) provides an interactive user interface for the customer (figure 7,

reference 140) through the access data communication network (figure 1, reference 10)

(col. 11 lines 45-50).

For claim 20, Kaffme et al disclose wherein the web server application (figure 7,

reference 149) provides an interactive user interface for personnel (figure 7, reference

140) concerned with operations of the access data communication network (figure 1,

reference 10) (col. 11 lines 45-50).

For claim 21, KafFlne et al disclose wherein the test application (figure 7,

reference 149) selectively obtain status information from at least one element of the

access data network (figure 1, reference 10) (figure 8, reference step 205, col. 13 lines

4-10; and figure 10, reference step 240, col. 14 lines 4-7), and selectively activates at

least one throughput test through the access data communication network to equipment

of the customer (figures 7-8, col. 11 line 53 to col. 12 line 61).

For claim 22, Kaffine et al disclose network fault isolation comprising: interacting

with a user (figure 7, reference 140) through the access data communication network

(figure 1, reference 10) to identify a customer subscribing to the wide area access

service (figure 1, reference 22), requiring service assessment (figure 7, reference steps

150 and 152, col. 11 lines 45-47; figure 9, reference steps 210 and 212, col. 13 lines

24-3 l; and figure 11, reference 274 and 276, col. 15 lines 32-37); from a local service

domain (figure 1, reference 26), selectively isolating (figure 8, reference step 198, col.

12 lines 54-56; and figure 10, reference step 264, col. 15 lines 1-4) and determining

current capabilities of test points in the access data communication network (figure 1,

reference 10) to provide service for the customer (figure 8, reference 140) (figure 8,

reference step 205, col. 13 lines 4-10; and figure 10, reference step 240, col. 14 lines

4-7); and

automatically reporting the determined current capabilities of the test points

through the access data communication (figure 1, reference 10) to the user (figure 8,

reference 1400 (figure 8, reference step 205, col. 13 lines 4-10; figure 10, reference

step 266, col. 15 lines 1-4; and figure 12, reference step 290, col. 15 lines 54-57).

For claim 23, Kaffine et al disclose wherein the user is the customer (figure 7,

reference 140, col. l 1 lines 45-47).

For claim 24, Kaffine et al disclose wherein the determined current capabilities

relate to an access service for the customer to a wide area domain (figures 9-10, col. 14

lines 5-7).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaffine

et al. (US 6,654,914) in view of Rekhter (US 5,917,820).

For claim 16, Kaffine et al disclose network fault isolation comprising:

an access data network (figure 1, reference 10), for providing access services to

a wide area domain (figure 1, reference 22) and a logically separate local services

domain (figure 1, reference 26) (col. 5 lines 14-22), the access data network separating

the two domains at least in part based on at a level above a protocol level used to

define basic connectivity through the access data network to the wide area domain

(figure 1, reference 20, col. 5 line 64 to col. 6 line 2 and col. 6 lines 53-56);

a web server (figure 1, reference 90), coupled to the local services domain (figure

1, reference 26, col. 6 lines 23-25), for interactive communication with a customer

subscribing (figure 1, reference 12) to wide area domain service (figure 1, reference 22),

through the access data network (figure 1, reference 10) (col. 5 lines 19-22); and means

responsive to customer (figure 7, reference 140) selections via the interactive

communication with the web server (figure 7, reference steps 150 and 152) (col. 11

lines 45-52, the user' browser 142 inherently functions as a web sever (figure 4, col. 10

lines 42-43), for automatically isolating selected points (figure 8, reference step 52-54)

of the access data network (figure 1, reference 10) (figure 8, reference step 198, col. 12

lines 54-56; and figure 10, reference step 264, col. 15 lines 1-4) and determining a

current status of at least one element associated with each selected point effecting the

wide area domain access service provide to the customer (figure 8, reference step 205,

col. 13 lines 4-10; and figure 10, reference step 240, col. 14 lines 4-7), and for providing

results of each status determination to the web server (figure 8, reference step 204, col.

12 line 67 to col. 13 line 1; and figure 10, reference step 266, col. 15 lines 1-4).

However, Kaffine et al do not disclose two domains at least based on distinctions

in types of protocol. In an analogous art, Rekhter discloses the two domains (figure 1,

references 104-108, col. 1 lines 23-24) at least based on distinctions in types of protocol

(col. 3 lines 1-6).

One skilled in the art would have recognized two domains at least based on distinctions in types of protocol to use the teachings of Rekhter in the system of Kaffine et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the two domains at least based on distinctions in types of protocol as taught by Rekhter in Kaffine et al's system with the motivation being to ensure orderly coordination of the use of shared media, and handles addressing when multiple systems are reachable (col. 2 line 66 to col. 3 line 1).

Allowable Subject Matter

6.   Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7.   Claims 1-9 and 25-28 are allowed.

Regarding claims 1 and 25, the prior art fails to teach a combination of the steps of:

a local services network coupled locally to said access switch, wherein said access switch segregates upstream traffic from the respective customer premises equipment between said local services network and said high-speed data link to said communication access node, and said access switch aggregates downstream traffic from said local services network and said high speed data link from said communication access node for transmission to the respective customer premises equipment, in the specific combination as recited in the claims.

Response to Arguments

8.   Applicant's arguments filed on January 06, 2005 have been fully considered but they are not persuasive.

The applicant argues with respect to claims 10, 16 and 22, the Kaffine (primary reference) does not disclose a web server coupled to a local service domain which is logically separated from the wide area network. The examiner disagrees. Applicant's attention is directed to Kaffine patent at col. 5 lines 19-22 where Kaffine clearly teaches "The network 10 show an example of connections for user at the customer premises 12 to interact with, e.g., world wide web sites, provided by the enterprise 26." In figure 1, the enterprise 26 is connected to ATM/FR network 27 (it is equivalent to ATM switch, reference 19 figure 7B of the specification). Therefore, the web server in the enterprise is located locally in the network 10.

Furthermore, the applicant argues with respect to claim 18 that Kaffine does not disclose a server coupled to a local service domain. The examiner disagrees. Applicant' attention is directed to Kaffine patent where Kaffine clearly teaches at col. 5 lines 64-64, (figure 1, reference 74) "The POP 20 includes a Network Access Server (NAS), also called a Remote Access Server (RAS), 74".

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not
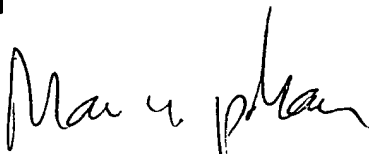
mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-

3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN
PRIMARY EXAMINER